

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7544

BILL NUMBER: SB 593

NOTE PREPARED: Jan 19, 2011

BILL AMENDED:

SUBJECT: Records and Judicial Technology.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Transfer of Responsibilities from Division of State Court Administration to the Office of the Attorney General* – It moves duties concerning the administration of an electronic system for receiving information related to individuals possessing firearms from the Division of State Court Administration to the Attorney General's Office. It provides that the clerk of a circuit court (clerk) is the official custodian of all records and writings of the court. It provides that the clerk shall provide copies of any public record in its possession to a party who requests the record. It provides that if the clerk maintains a case management system and receives funds from the Automated Record Keeping Fee, the case management system must meet certain standards. It prohibits certain court case information from being shared with the Division of State Court Administration (Division). It provides that the Division shall not deny a person access to any public records that the Division maintains. It removes certain duties of the Division. It requires the Prosecuting Attorneys Council to prescribe the contents of electronic traffic tickets.
- B. *Protective Order Registry* – It changes the responsibility of developing and maintaining the Protective Order Registry from the Division to the Attorney General's Office. It corrects conflicting language regarding protective orders.
- C. *E-citation Fund* – The bill creates the E-citation Fund. It provides that certain money in the State User Fee Fund will be deposited in the E-citation Fund. It requires each clerk to establish an Automated Record Keeping Fund. It repeals the Judicial Technology and Automation Project Fund.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Transfer of Responsibilities*– This bill transfers the responsibilities for the administration of the judicial case management system from the Division of State Court Administration to the Office of the Attorney General and reduces the funding associated with this project. It is unclear how this transfer of functions will be administered.

Currently the Indiana Supreme Court employs 58 staff members at \$2.18 M to administer the Judicial Technology Automation Project. The project currently provides case management services to courts in 27 counties and numerous other electronic data services and programs to all 92 counties. The annual maintenance fee for the Odyssey Case Management System is \$615,000.

If the state share of the revenue were an average of \$1.75 M instead of the current \$7 M, the balance available to the office of the Attorney General would be roughly \$1.14 M after taking into account the annual maintenance fee of the Odyssey system. The E-Citation administrator would use this remaining amount to hire staff, arrange for travel to various sites to maintain county systems that use Odyssey, and contract with local vendors.

This bill would also prohibit any trial court information from being shared between the judges, court clerks, court reporters, public defenders, or any court employees and the Division of State Court Administration.

The AG's Office would also be responsible for the following:

- administering the electronic system for firearms screening under the National Instant Criminal Background Check System
- administering the protective order registry

The Prosecuting Attorneys Council would be responsible for prescribing the contents of electronic traffic tickets. Depending on current staff capacity, the Council may need to employ additional staff. Currently, the Prosecuting Attorneys Council has a 10-member staff, 6 of whom are attorneys. Since the Council has no computer programmers or systems analysts, it would likely need added staff and office space to administer these new responsibilities.

Data Exchange with other Executive Branch Agencies – Currently, juvenile delinquency case data is shared with the Department of Child Services and juvenile probation officers. In addition, risk assessments of adult and juvenile offenders are shared of courts, probation, community correction and DOC personnel. It is not clear who would oversee these functions with the changes proposed in this bill.

Explanation of State Revenues: *State General Fund* – Any balance remaining in the Judicial Technology and Automation Project Fund would be deposited into the state General Fund on July 1, 2011. LSA cannot estimate what balance might remain in the Fund at the end of this fiscal year.

E-citation Fund – As proposed, 25% of the revenue that is currently deposited into State User Fee Fund for the Judicial Technology and Automation Project would now be deposited into the E-citation Fund. The balance would be deposited into the County Automated Records Keeping Fund.

The state share of revenue that the E-citation Fund would receive based on a 5-year average would be \$1.75 M. This would be a revenue loss of \$5.25 M. to the State User Fee Fund.

Revenue from Automated Record-keeping Fee (\$Ms)		
Five-Year Average *	Revenue E-Citation Fund	Proposed County Share Currently Deposited into State User Fee Fund**
\$7.00	\$1.75	\$5.25
* FY 2006 - 2010 ** State User Fee Fund from automated record keeping fees		

Explanation of Local Expenditures: The clerk of the circuit court in each county would be the official custodian of all records and writings of the court, establish an Automated Record Keeping Fund, and use the money to administer a case-management system.

As of July 1, 2011, counties which maintain case management systems *and* receive funding from the automated record keeping fee would be required to comply with accounting and record keeping requirements established by the State Board of Accounts, be able to interface with the Department of State Revenue, the Bureau of Motor Vehicles, the Prosecuting Attorney Council and the Division of State Court Administration. The system would also have to meet applicable national information exchange model's exchange standards. This refers to a XML (extensible mark up language) based information exchange framework that permits information exchange between the different levels of government.

Depending on the type of case management system that the clerk of the circuit court currently maintains, the system may be compliant with these standards. Otherwise, the clerk of the circuit court would need to use the added revenue that the county would receive from the County Automated Record Keeping Fund to pay for the improvements required under this bill.

Explanation of Local Revenues: *County Automated Record Keeping Fund* – A new fund would be established to collect 75% of automated record keeping fees that currently are deposited into the Judicial Technology and Automation Project Fund. The added revenue to the counties is estimated to be \$5.25 M.

State Agencies Affected: Division of State Court Administration, Indiana Supreme Court; Office of the Attorney General; Prosecuting Attorneys Council.

Local Agencies Affected: Clerks of the circuit court.

Information Sources: Indiana Supreme Court website.

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